

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

CASE NO. 5:12-cv-03237 EJD

**AMENDED ORDER RE: DEFENDANT'S  
PENDING ADMINISTRATIVE MOTIONS**

Plaintiff(s),

v.

SMALL BUSINESS CAPITAL CORP., et.  
al.,

[Docket Item No(s). 288, 290, 296]

Defendant(s).

Regarding Defendant Mark Feathers' ("Defendant") pending administrative motions (see  
Docket Item Nos. 288, 290, 296), the court orders<sup>1</sup> as follows:

1. The Request for Leave of the Court to Refile Motion for Awarding of Legal Fees  
(Docket Item No. 288) has been construed as a motion for leave to file a motion for reconsideration  
pursuant to Civil Local Rule 7-9. As so construed, the motion is GRANTED. On or before **April 2,**  
**2013**, Defendant may file a motion for reconsideration of the Order Denying Request for Legal  
Expenses (Docket Item No. 70), filed September 26, 2012. Any opposition to the motion for  
reconsideration shall be filed on or before **April 12, 2013**. Defendant may file a reply to the  
opposition on or before **April 19, 2013**, at which time the motion will be deemed submitted for  
decision.

<sup>1</sup> The original order mistakenly transposed the terms "Plaintiff" and "Defendant." The court  
has filed this amended order, which replaces and supersedes the original, to prevent any confusion.

1 Defendant is advised that the motion for reconsideration must comply with Civil Local Rule  
2 7-9, such that Defendant must limit his arguments to the grounds listed in Rule 7-9(b) and must do  
3 so without repeating any oral or written argument previously made. Failure to observe the  
4 requirements of the Local Rules may result in an order summarily denying the motion.

5 2. The Request for Leave of the Court to allow Defendant to File a Motion Requesting  
6 the Court to Reverse its Prior Approval of the Receiver's Request for Approval of Bar Claims Forms  
7 and Instructions (Docket Item No. 290) has been construed as a motion for leave to file a motion for  
8 reconsideration pursuant to Civil Local Rule 7-9. As so construed, the motion is DENIED.

9 3. The Motion for Leave of the Court to File a Lawsuit Action Against the Receiver is  
10 DENIED as leave of this court is not required in order to initiate a separate legal action.

11 **IT IS SO ORDERED.**

12  
13 Dated: March 19, 2013

  
EDWARD J. DAVILA  
United States District Judge